

SENATE BILL 2913

By Walley

AN ACT to amend Chapter 167 of the Private Acts of 1994; as amended by Chapter 39 of the Private Acts of 2020; and any other acts amendatory thereto, relative to the charter of the Town of Oakland.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 4 of Chapter 167 of the Private Acts of 1994, as amended by Chapter 39 of the Private Acts of 2020, and any other acts amendatory thereto, is amended by adding the following as a new subsection:

(36) Establish schools, determine the necessary boards, officers, and teachers required therefor, and fix their compensation; purchase or otherwise acquire land for or assess a fee for use of or impact upon schoolhouses, playgrounds, and other purposes connected with the schools; and purchase or erect all necessary buildings and do all other acts necessary to establish, maintain, and operate a complete educational system within the municipality.

SECTION 2. Section 16 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section substituting instead the following:

Town Attorney

SECTION 16. Be it further enacted, that the Board shall appoint a Town Attorney. The Town Attorney shall be responsible for advising the board and officers and employees concerning legal aspects of their duties and responsibilities; approving as to form and legality all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board. The Board may also, as deemed necessary, hire additional attorneys in order to address specific legal needs.

SECTION 3. Section 17 of Chapter 167 of the Private Acts of 1994, as amended by Chapter 39 of the Private Acts of 2020, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

Town Judge

SECTION 17. Be it further enacted, that a Town Judge shall be appointed by the Board. The Judge shall not be less than thirty (30) years of age. The Judge shall be an attorney licensed by the State of Tennessee and in good standing. The jurisdiction of the Town Judge shall extend to the trial of all offenses against the ordinances of the Town, and costs in such trials shall be fixed by ordinance. The Town Judge shall have power to levy fines and costs, to issue all necessary process, to administer oaths, and to maintain order consistent with state law. The sole compensation for serving as Town Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the Town and shall be paid into the Town treasury. Receipts of the Town court shall be deposited with the Recorder and the Town Judge shall make monthly reports thereof to the Board. The Town Judge shall keep a docket of all cases handled by him. The Town Judge shall be the exclusive judge of the law and the facts in every case before him or her, and no officer or employee of the Town shall attempt to influence his or her decision except through pertinent facts presented in open court.

SECTION 4. Section 25 of Chapter 167 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

Annual Budget

SECTION 25. Be it further enacted, that prior to the beginning of each fiscal year, the Town Manager shall submit to the Board by May 15 a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following: (a) revenue and expenditures during the preceding year, (b) estimated revenue and expenditures for the current fiscal year, (c) estimated revenue

and recommended expenditures for the next fiscal year, and (d) any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary. A copy of the budget in full shall be filed with the Recorder for public inspection and a copy shall be furnished to each Alderman.

SECTION 5. Section 31 of Chapter 167 of the Private Acts of 1994, as amended by Chapter 39 of the Private Acts of 2020, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

#### Bonds on Contracts

SECTION 31. Be it further enacted, that each bid on a contract for any public works or improvement shall be accompanied by a cash or surety company bid bond in the amount of ten percent (10%) of the amount of the bid. Before any contract is awarded, the contractor shall give a bond for the faithful performance of the contract, with a surety company authorized to transact business in Tennessee, in an amount equal to one hundred percent (100%) of the contract price.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of Oakland. Its approval or non-approval shall be proclaimed by the presiding officer of the legislative body of the Town of Oakland and certified to the Secretary of State.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.